

REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the above amendments to the Specification, the amendments to the claims and the following remarks.

Claims Status

Claims 1, 3, 5-14, and 16-26 are pending in this Application.

Claims 2, 4 and 15 have been canceled herein.

Claims 1 and 20 have been amended herein to add the limitations of Claim 2. As the Examiner will recognize, Claim 2 was indicated as allowable if rewritten in independent form. Thus, Applicants have amended both of the independent claims herein, Claims 1 and Claim 20 to add the limitations of Claim 2. Respectfully, Claims 1 and 20, as well as the claims that are dependent thereon, are now in condition for allowance.

Claim 11 has been amended because of the cancellation of Claim 2, Claim 11 had been dependent upon Claim 2.

Claims 12, 14 and 19 have been amended herein to address the Examiner's rejections based on 35 USC 112.

Claim 16 has been amended herein to be dependent upon Claim 1 and, thus, Claim 14 has also been amended herein to be dependent upon newly added Claim 21.

Claim 21 is a combination of Claims 1, 3 and 5. As noted below, it is submitted that such a new claim is allowable since such a combination had not been rejected based on Prior Art.

Claims 22-25 correspond to Claims 6, 8, 9 and 10, respectively, but are dependent upon Claim 21.

Claim 26 is a combination of Claims 8 and 9, and is dependent upon Claim 21.

Respectfully, no new matter has been added by way of the amendments to the claims.

Specification Amendments

The Specification has been amended herein to add the wording of Claims 12, 15, 16, 17 and 20 to the Specification. Such amendment is deemed acceptable since the Specification, as filed, is deemed to include the Claims. Thus, amending the written description to include the claim language is simply a matter of rearranging the Specification without adding any new matter.

Additionally, the specification has been amended to capitalize the trademarks where they were found in the Specification.

Finally, the paragraph bridging pages 8 and 9 has been amended herein to conform it to Figure 1.

Drawing Amendments

A Replacement Sheet for Sheet 1 containing Figure 1 is submitted herewith. This Replacement Sheet extends the lead-line for reference character 35 to what is clearly the funnel shaped mixing chamber shown in the drawing.

Additionally, Figure 1 has been amended herein to delete reference character 30. Reference character 30 was obviously drawn to a tube and not to the toner hopper. Thus, reference character 30 has been deleted from Figure 1 and also from the Specification bridging pages 9 and 10.

Respectfully, no new matter has been added by way of these amendments to the drawing.

Allowable Subject Matter

As noted by the Examiner, Claim 2 was indicated as allowable is rewritten in independent form. Applicants have amended Claims 1 and 20, the two independent claims in this Application, to include the limitations of Claim 2. Thus, it is respectfully submitted that Claims 1 and 20, and the claims that are dependent thereon, are in condition for allowance.

The newly added claims, Claims 21-26, are also deemed to be in allowable condition because Claim 21 is a combination of Claims 1, 3 and 5 and such a combination had not been rejected based on the Prior Art.

It is noted, based on the cancellation of claims and the additional claims, three additional dependent claims have been presented herein over twenty. Thus, Applicants submit herewith the fee for the additional three dependent claims.

Thus, it is also submitted that the claims that are dependent upon Claim 21 are also allowable.

Because of the length of the Office Action, each of the Examiner's points will be taken in turn.

Drawing Objections

Figure 1 had been objected to as containing reference characters 41 and 42 while the Specification did not contain these reference characters. The Specification has been amended in the paragraph bridging pages 9 and 10 to add reference characters 41 and 42. It is respectfully submitted that this was an obvious typographical error since the transport tubes are clearly delineated in Figure 1 with reference characters 40, 41, 42 and 43.

Disclosure Informalities

The Examiner noted that trademarks were used in the Specification, however, they had not been capitalized. Applicants have reviewed the Specification and noted the trademarks are used on pages 41, 48, 56 and 57. The Specification has been amended herein to capitalize these trademarks.

Further Amendments to Figure 1 in the Specification

During review of the Specification in preparation for making the amendments noted above, it was noted that reference character 30 on page 9 was referring to the toner hopper, however, in Figure 1, reference character 30 was drawn to a tube. In order to correct this incongruity, reference character 30 has been deleted from page 9 and from Figure 1.

Additionally, it was noted that the lead-line for reference character 35, directed to the funnel shaped mixing chamber, ended part way to the mixing chamber. Thus, the lead line for reference character 35 has been extended all the way to the mixing chamber. Respectfully,

no new matter has been added by way of these amendments to Figure 1 and the Specification.

Specification Objections

Claims 12, 15, 16, 17 and 20 had been objected to as lacking proper antecedent basis in the written description.

Since the Specification as filed includes the claims, the written description has been amended herein to add the wording of Claims 12, 15, 16, 17 and 20 to the Specification. Specifically, page 6 has been amended to add the wording of Claim 20. Page 12, between lines 3 and 4, have been amended herein to add limitations of Claims 12, 15, 16 and 17. Respectfully, no new matter has been added by way of these amendments to the Specification.

The Examiner noted the definition for amorphous polyester as recited on page 15. We agree with the Examiner's interpretation as recited in Paragraph 4 on page 4 of the Office Action.

Claim Rejections Under 35 USC 112

Claims 12, 14-17 and 19 had been rejected under 35 USC 112, second paragraph. With respect to Claim 12, the Examiner specifically objected to the use of the term "separated toner" as being unclear. Claim 12 has been amended herein to delete the term "separated" and to clarify that the discharging step is for discharging toner from the intermediate chamber.

The Examiner further noted that Claim 12 was unclear with respect to the orientation of the toner receiving port and the gas stream introducing inlet. Claim 12 has been amended herein to clarify that the toner receiving port is situated vertically above the gas stream introducing inlet in the intermediate chamber. It is respectfully submitted that this amendment to Claim 12 is clearly supported by the description of Figure 3 where it shows that the toner receiving port 242a is situated vertically above the gas stream introducing inlet 242b.

Claim 14 has been objected to as being indefinite because it was not clear what the toner was being separated from. The toner is being separated from the paper dust and the toner granules and Claim 14 has been amended herein to

recite the same. Respectfully, such is clear from Figure 3 as well in the paragraph bridging pages 11 and 12.

Claim 19 had been objected to as being unclear with respect to the step of fixing transferred toner. Claim 19 has been amended herein to recite that it is the toner that is fixed on the transfer material.

Respectfully, these amendments made to Claims 12, 14 and 19 make the claims definite.

Prior Art Rejection of Claim 20

Claim 20 had been rejected as being anticipated by JP '813.

As noted above, Claim 20 has been amended to add the limitations of Claim 2 and, thus, it is deemed that Claim 20 is now patentable over JP '813.

Prior Art Rejection Based on JP '813 and Ohmura

Claims 1, 3, 4, 8-10 and 14-19 had been rejected as being unpatentable over a combination of JP '813 and Ohmura.

Claim 1 has been amended herein to add the limitations of Claim 2. As such, it is deemed that Claim 1 and its dependent claims are now patentable over the combination of JP '813 and Ohmura taken alone or in combination.

Prior Art Rejection Based on JP '813 and Ohno

Claims 1, 4, 5, 8, 9 and 14-19 had been rejected as being unpatentable over a combination of JP '813 in combination with Ohno. Claim 1 has been amended herein to add the limitation of Claim 2 and, as such, it is deemed that Claim 1 and its dependent claims are now patentable over the combination of JP '813 and Ohno.

Prior Art Rejection Based on a Combination of JP '813 and JP '333

Claims 1, 4, 5, 8, 9 and 14-19 had been rejected as being unpatentable over a combination of JP '813 and JP '333.

Claim 1 has been amended herein to add the limitations of Claim 2 and, as such, Claim 1 and its dependent claims are now deemed to be patentable over JP '813 and JP '333 taken alone or in combination.

Prior Art Rejection Based on JP '813, JP '333 and Misawa

Claims 6 and 7 had been rejected as being unpatentable over a combination of JP '813, JP '333 and Misawa.

Claims 6 and 7 are ultimately dependent upon Claim 1 and Claim 1 has been amended herein to add the limitations of Claim 2. Respectfully, Claims 6 and 7 are now patentable over the references JP '813, JP '333 and Misawa taken alone or in combination.

Newly Added Claims

Claims 21-26 have been added herein. Claim 21 is a combination of Claims 1, 3 and 5.

As noted above, such a combination had not been rejected based on the Prior Art and respectfully such a combination is patentable over the cited references. Specifically, it would not be obvious to one of skill in the art to combine the references to arrive at the specific process as recited in Claim 21. Respectfully, Claim 21 and its dependent claims, are patentable over the cited references taken alone or in combination.

One-Month Extension of Time

Applicants hereby petition for a one-month extension of time within which to respond to the outstanding Office Action. The fee associated with this extension have been currently paid herewith.

Should any further fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Conclusion

In view of the foregoing and the enclosed, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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Attached:
1.

One sheet of Replacement Drawing of Figure